

PIERCE COUNTY, WASHINGTON
January 1, 1994 Through December 31, 1994

Schedule Of Findings

1. The County Should Not Charge Administrative Fees For Proposed Amendments To The County's Comprehensive Land Use Plan

During our audit, we reviewed the county's collection of fees for amendments to its comprehensive land use plan. We found that the county was not in full compliance with state laws for land use planning.

On April 18, 1995, the Pierce County Council revised its *Procedures for Amendments to the Comprehensive Plan* to include a fee to process any amendments to the comprehensive land use plan. The current fees are \$1,500 for the first 10 hours, and \$40 per hour thereafter.

RCW 36.70A.140 states in part:

Comprehensive plans - Ensure public participation. Each county . . . shall establish procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments.

RCW 36.70A.180 states in part:

. . . It is the intent of the legislature that counties and cities required to adopt a comprehensive plan under RCW 36.70A.040(1) to begin implementing this chapter on or before July 1, 1990, including but not limited to: (a) Inventorying, designating, and conserving agricultural, forest and mineral resource lands, and critical areas; and (b) considering the modification or adoption of comprehensive land use plans and development regulations implementing the comprehensive land use plans. It is also the intent of the legislature that funds be made available to counties and cities beginning July 1, 1990, to assist them in meeting the requirements of this chapter.

RCW 36.70A.190 Technical assistance, grants, and mediation services:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and develop regulations throughout the state . . .

(6) The department shall provide planning grants to enhance citizen

participation under RCW 36.70A.140.

The Growth Management Act (codified as Chapter 36.70A RCW) did not grant counties the authority to charge for plan amendments. As noted above, the legislation specifically encourages public participation and provides funding for that participation. The imposition of a substantial application fee for comprehensive plan amendments has a chilling effect on public participation, and is in conflict with the intention of the statute.

The county's amendment was established to provide a reserve for the county in the event that unforeseeable administrative costs are incurred.

We recommend that the county rescind this amendment to the Pierce County code.